

Department of Environmental Protection and Resource Management
105 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No.10-CO0015555

Robert Tucker
Cynthia Tucker
4321 Breeders Cup Circle
Randallstown MD 21133

5 Liberty Ridge Court

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on May 26, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-201 (a)(2)(b)(c); 13-7-304; 13-7-313(b); 13-7-315; Article 13 Title 7, failure to maintain the property, stagnant water observed in pool in rear yard with potential to breed mosquitoes, observation of burrows in front yard on residential property known as 5 Liberty Ridge Court, 21117.

On May 20, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Shelly Jones-Wilson issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. This Citation was issued without prior Correction Notice pursuant to the Department's adopted criteria, for observed stagnant water breeding mosquitoes on a vacant property. BCC Section 3-6-205.

B. Photographs in the file show an above-ground swimming pool in the yard of this residential property, filled with water. Notes in the file from the inspector state that the water is stagnant. County law requires property owners to maintain the property in a clean and sanitary condition, free from infestation. BCC 35-5-302. A person may not keep, collect, use, or allow to remain on the person's premises, nauseous liquid, stagnant water, or other offensive matter. BCC 13-7-201. Stagnant water breeds mosquitoes and is a public health hazard. This portion of the Citation will be enforced, and the County will be authorized to enter the property to correct the violation at the property owner's expense, as authorized by BCC Article 3, Title 6.

C. Notes in the file from the Inspector state that rodent burrows were observed at the steps and porch area, by the front entrance. Photographs in the file show large open burrows. The property owners have not responded to the County's notices and there is no evidence that Respondents have taken appropriate action to exterminate rats. County law requires a property owner or occupant to treat a rat infestation until the rats are eradicated. BCC Section 13-7-305. County law also requires property owners and occupants to remove and abate rat harborage, including closing rat burrows. BCC Section 13-7-306. However, the Department did not issue a Correction Notice for this violation prior to issuing this Citation. This portion of the Citation will therefore not be enforced, but Respondents are now on notice of the violation and are subject to Citation if the violations are not corrected.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violations are corrected by June 16, 2010.

IT IS FURTHER ORDERED that at any time on or after the date of this Order, the County may enter the property for the purpose of abating code violations, including removing the stagnant water and/or treating the water to abate infestation or contamination, at the property owner's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 28th day of May 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer